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09/821,780	03/28/2001	David Clive Moshal	23370-711	6148

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650 PAGE MILL ROAD
PALO ALTO, CA 943041050

EXAMINER

DASS, HARISH T


ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JE

 Office Action Summary	Application No. 09/821,780	Applicant(s) MOSHAL ET AL.	
	Examiner Harish T Dass	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1054 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson et al (hereinafter Rackson - US 6,415,270) in view of Alaia et al (hereinafter Alaia - US 6,499,018).

Re. Claims 1 and 7, Rackson discloses a multi-auction system (auctioneer/auction server) configured to receive a request to initiate an exchange in the plurality of exchanges for a corresponding item of that exchange, the multi-auction system identifying a selection of parameters from the request, in response to receiving the request, the multi-auction system generating a lot object (Figure 12) specifying the item and associating one of a plurality of strategies with that lot object, each of the plurality of strategies being specific a corresponding selection of parameters, wherein subsequent to generating the lot object, the multi-auction system is configured to receive a plurality of offers specifying the lot object, each of the plurality of offers being signaled by one of the plurality of traders, the strategy associated with the lot object being for determining the transactional value of the item from at least one offer in a plurality of offers received

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in the exchange [see entire document particularly, abstract; Figures 1-4, 10-13; C6 L24 to C7 L37; C9 L7-L35; C10 L64 to C11 L32; C11 L51 to C12 L10; C24 L5-L52],

a match module configured to select at least a first offer from a first trader in the plurality of traders as matching a communication from another one of the plurality of traders [Figures 13-14 #630; C15 L53 to C16 L2; C16 L65 to C17 L32], and

wherein the strategy associated with the lot object designates an origination for each offer in the plurality of offers received by the multi-auction system [Figures 5-9 (bid), 12 #416; C6 L4 to C7 L37; C17 L4-L32; C20 L1-L42; C24 L5-L52].

Rackson does not explicitly disclose a lot handler module. However, Alaia discloses lot handler module (module of code for each lot) [Abstract; Figures 1, 4, 7B, 15A; C1 L10-L15; C11 L10-L15; C12 L32-L47; C14 L60-66] to take input parameters then schedule the bid closing time. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Rackson and add lot handler module, as discloses by Alaia, to create an auction model with module code to handle incoming bids and schedule for auctioning.

Re. Claim 2 Rackson discloses wherein each of the plurality of strategies is different from other strategies in the plurality of strategies (methods) [C4 L12-L21; C16 L40-L43; C21-L25].

Re. Claim 3 Rackson discloses wherein the strategy associated with the lot object designates a procedure for receiving the plurality of offers [C7 L9-L14; C28 L38-L67].

Re. Claim 4 Rackson discloses wherein the strategy associated with the lot object designates a procedure for determining the transactional value from the plurality of offers [Figures 5-9 (bid), 12 #416 ; C24 L5-L52].

Re. Claim 5 Rackson discloses wherein the strategy associated with the lot object comprises a plurality of instructions [Figures 5-9 (bid), 12 #416; C20 L1-L42; C24 L5-L52].

Re. Claim 6 Rackson discloses wherein each of the plurality of strategies comprise a combination of instructions [Figures 5-9 (bid), 12 #416; C17 L4-L32; C20 L1-L42; C24 L5-L52].

Re. Claim 8 Rackson discloses wherein the strategy specifies that each offer in the plurality of offers originate from a set of sellers in the plurality of traders [Figures 5-9 (bid), 12 #416; C6 L4 to C7 L37; C17 L4-L32; C20 L1-L42; C24 L5-L52].

Re. Claim 9 Rackson discloses wherein the strategy specifies that each offer in the plurality of offers originate from a set of bidders in the plurality of traders [Figures 5-9 (bid), 12 #416; C6 L4 to C7 L37; C17 L4-L32; C20 L1-L42; C24 L5-L52; C9 L7-L35].

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Re. Claim 10 Rackson discloses wherein the match module is configured to match the first offer with a second offer from a second trader in the plurality of traders [Figures 5-9 (bid), 12 #416; C6 L4 to C7 L37; C17 L4-L32; C20 L1-L42; C24 L5-L52; C9 L7-L35; (second trader = bidder A, B, C, J, D, or G)].

Re. Claim 11 Rackson discloses wherein the match module is configured to match the first offer with the second offer by comparing a value of the first offer with a value of the second offer [Figures 5-9 (bid), 12 #416; C6 L4 to C7 L37; C17 L4-L32; C20 L1-L42; C24 L5-L52; C9 L7-L35].

Re. Claim 12 Rackson discloses wherein the match module is configured to identify a matched order as comprising the first offer matched with a second offer using an instruction specified by at least one of the plurality of parameters [Figures 5-9 (bid), 12 #416; C6 L4 to C7 L37; C17 L4-L32; C20 L1-L42; C24 L5-L52; C9 L7-L35].

Re. Claim 13 Rackson discloses wherein the match module is configured to identify a plurality of matched orders, each of the plurality of matched orders comprising at least one of the plurality of offers being matched to another offer from one of the plurality of traders using the instruction Figures 5-9 (bid), 12 #416; C6 L4 to C7 L37; C17 L4-L32; C20 L1-L42; C24 L5-L52; C9 L7-L35 (bidder A, D and J in figure 6)].

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Re. Claim 14 Rackson discloses wherein the strategy associated with the lot object specifies the transactional value from a value of one or more of the matched orders [Figures 5-9 (bid), 12 #416 ; C24 L5-L52 (bidder A, D and J in figure 6)].

Re. Claim 15 Rackson discloses wherein the transactional value is determined from an average of a value for each matched order in the plurality of matched orders [C24 L5-L52; C2 L17-L65].

Re. Claim 16 Rackson discloses wherein the transactional value is determined from a value of one of the matched orders in the plurality of matched orders [Figures 5-9 (bid), 12 #416 ; C24 L5-L52 (bidder A, D and J in figure 6)].

Re. Claim 17 Rackson discloses wherein the transactional value is determined from a lowest value of one of the plurality of matched orders [C2 L46 to C3 L15; C15 L53 to C16 L2].

Re. Claim 18 Rackson discloses wherein the transactional value is determined from a highest value of one of the plurality of matched orders [C15 L53 to C16 L2].

Re. Claim 19 Rackson discloses wherein the transactional value is determined from a value of one of the plurality of offers that is not one of the plurality of offers in the matched order.

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Re. Claim 20 Rackson discloses wherein the transactional value is selected from a value of one of the plurality of offers less than the matched order [C2 L46 to C3 L15; C15 L53 to C16 L2].

Re. Claim 21 Rackson discloses wherein the transactional value is selected from a value of one of the plurality of offers greater than the matched order C2 L46 to C3 L15; C15 L53 to C16 L2.

Claims 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson in view of Alaia and Ausubel (US 6,026,383).

Re. Claim 22, Rackson discloses a multi-auction system configured to receive a plurality of requests, each of the plurality of requests being to initiate one of the plurality of exchanges, the multi-auction system identifying a selection of parameters from each of the requests, in response to receiving one of the plurality of requests, the multi-auction system generating a lot object specifying the item and associating one of a plurality of strategies with that lot object, each of the plurality of strategies being specific to a corresponding selection of parameters, wherein subsequent to generating each of the plurality of lot objects, the multi-auction system is configured to receive a plurality of offers specifying the lot object, each of the plurality of offers being signaled by one of

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the plurality of traders, each of the plurality of strategies comprising a combination of instructions to affect determination of the transactional value from receipt of a plurality of offers abstract; Figures 1-4, 10-13; C6 L24 to C7 L37; C9 L7-L35; C11 L51 to C12 L10; C24 L5-L52], and

a match module configured to identify a matched order for each of the plurality of lot objects, the matched order comprising at least one of the plurality of offers being matched to another communication from one of the plurality of traders according to the strategy for that lot object and memory [Figures 5-9, 13-14 #630; C6 L42 to C7 L37; C15 L53 to C16 L2; C16 L65 to C17 L32; C24 L5-L52]. Rackson does not explicitly disclose a lot handler module and a lot container module that maintains the plurality of lot objects and references each of the lot objects to the strategy for that lot object. However, Alaia discloses lot handler module (module of code for each lot) [Abstract; Figures 1, 4, 7B, 15A; C1 L10-L15; C11 L10-L15; C12 L32-L47; C14 L60-66] to take input parameters then schedule the bid closing time. Ausubel discloses a lot container module (memory) that maintains the plurality of lot objects and references each of the lot objects to the strategy for that lot object [Ausubel – US 6,026,383 – Abstract; Figures 1a, 1b #118, 2a, 4; C1 L5-L10; C2 L52 to C4 L38; C5 L62 to C6 L27] to conduct an auction of one or more identical objects, similar objects or substitutes. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Rackson and include a lot handler module, as disclosed by Alaia and a lot container module, as disclosed by Ausubel to create an auction model to handle auction's input data for incoming object for scheduling and save the incoming

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object for auction in memory (lot container module) according to schedules for future auctions.

Re. Claim 23 Rackson discloses a scheduler module to schedule a time period for each of the lot objects [Fig. 14; C13 L51 to C14 L6; C23 L45-L55].

Re. Claim 24 Rackson discloses wherein the scheduler module schedules the time period for determining the matched order for each of the lot objects [Fig. 14; C13 L51 to C14 L6; C23 L45-L55].

Re. Claim 25 Rackson discloses wherein the scheduler module schedules the time period for determining the matched order upon an occurrence of an external event [Fig. 14; C13 L51 to C14 L6; C23 L45-L55].

Re. Claim 26 Rackson discloses wherein the scheduler module schedules the time period for determining the matched order after expiration of a time period, the time period being designated by the plurality of parameters [Fig. 14; C13 L51 to C14 L6; C23 L45-L55].

Re. Claim 27 Rackson discloses an interface to a rule engine, the interface signaling an input from a trader to the rule engine to identify one of the plurality of offers in each of the plurality of lot objects [Fig 12; C8 L49-L63; C19 L22-L30].

Re. Claim 28 Rackson discloses wherein the multi-auction system associates a trader identification of each offer in the plurality of offers with an identified lot object for one of the plurality of exchanges [C25 L56 to C26 L35].

Claims 29-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson in view of Ausubel.

Re. Claim 29, Rackson discloses a match module configured to identify a matched order comprising at least one of the plurality of offers being matched to another communication from one of the plurality of traders [Figures 5-9, 13-14 #630; C6 L42 to C7 L37; C15 L53 to C16 L2; C16 L65 to C17 L32; C24 L5-L52]. Rackson does not explicitly disclose a lot container module that maintains a plurality of lot objects, each lot object being associated with a strategy object, each lot object specifying the item for one of the plurality of exchanges, each of the strategy objects using a combination of instructions to affect determination of the transactional value from receipt of a plurality of offers, each offer signaled by one of the plurality of traders. However, Ausubel discloses this step [US 6,026,383 – Abstract; Figures 1a, 1b #118, 2a, 4; C1 L5-L10; C2 L52 to C4 L38; C5 L62 to C6 L27] to conduct an auction of one or more identical objects, similar objects or substitutes. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Rackson

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and include a lot container module, as disclosed by Ausubel to save auction's input data objects including strategies and rules in memory (lot container module) for data manipulation and future processing of bids and offer.

Re. Claims 30-33, Rackson discloses wherein the match module identifies the matched order using the strategy object for each lot object, wherein the matched order is identified from at least one of the plurality of offers being matched to another offer from another one of the plurality of traders, wherein the matched order is identified from at least one of the plurality of offers being matched to an existing condition specified by another one of the plurality of traders, wherein the combination of instructions specify an origination from each of the plurality of offers as being from one of either a set of sellers in the plurality of traders, or a set of bidders in the plurality of traders [C8 L49-L63; C23 L30-L55; C25 L14-L34; C27 L21-L25; C28 L30-L33].

Re. Claims 34-38, Rackson discloses 34. The engine of claim 29, wherein the combination of instructions specify a procedure for selection of a first offer in a plurality of matching offers for use in determining the transactional value of the item, and wherein the combination of instructions specify a procedure for determination of the transactional value based on a first offer being matched to another communication from one of the plurality of traders, wherein the procedure is to select a value of the first offer as being the transactional value, wherein the procedure is to select a value of the first offer as being the transactional value, the value of the first offer being less than the

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transactional value, and wherein the procedure is to select a value of the first offer as being the transactional value, the value of the first offer being greater than the transactional value [C13 L5-L36; C21 L50 to C22 L48].

Re. Claim 39 Rackson does not explicitly disclose wherein each lot object includes a pointer to the associated strategy object. However, pointer associated with an object is well known to computer programmer. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify disclosure of Rackson and include pointer to manipulate the address of the object for programming purpose instead the object itself for efficient programming.

Re. Claims 40-46, Rackson discloses wherein the strategy object includes the combination of instructions to permit receipt of a plurality of offers from selected traders in the plurality of traders, wherein the strategy object includes the combination of instructions to determine the transactional value of the item based on the matched order identified from the plurality of the offers, wherein the strategy object includes the combination of instructions to determine the transactional value of the item based on a plurality of matched orders, each of the plurality of matched orders being identified from one or more of the orders, wherein the strategy object includes the combination of instructions to determine the transactional value of the item based on a value of a selected matched order in the plurality of matched orders, wherein the value of the

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selected matched order is greater than a value of each of the other matched orders, wherein the value of the selected matched order is less than a value of each of the other matched orders, and wherein the strategy object includes the combination of instructions to determine the transactional value of the item based on an average of a value for each of the plurality of matched orders [Figures 5-9; C13 L5-L36; C21 L50 to C22 L48; C20 L22 to C21 L20; C24 L5-L52; C2 L17-L65].

Re. Claims 47-49, Rackson discloses wherein the match module is configured to identify the matched order by identifying an ask offer from a seller in the plurality of traders as being equal to a bid offer from a bidder in the plurality of traders, wherein the match module is configured to identify the matched order by identifying a bid offer from a bidder in the plurality of traders as being equal to an ask offer from a seller in the plurality of traders, wherein the match module is configured to identify the matched order by identifying a bid offer from a bidder in the plurality of traders as a predetermined condition designated by a seller in the plurality of traders [Figure 5-9; C20 L22 to C22 L48].

Claims 50-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson in view of Alaia.

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Re. Claim 50, Rackson discloses a multi-auction system configured to receive a first request to initiate an exchange in the plurality of exchanges for a corresponding item of that exchange, the multi-auction system identifying a selection of parameters from the first request, in response to receiving the first request, the lot multi-auction system generating a lot object specifying the item and associating a first strategy in a plurality of strategies with that lot object, each of the plurality of strategies being specific a corresponding selection of parameters, wherein subsequent to generating the lot object, the multi-auction system is configured to receive a plurality of offers specifying the lot object, each of the plurality of offers being signaled by one of the plurality of traders, each of the plurality of strategies being for affecting determination of the transactional value from receipt of a plurality of offers [see entire document particularly, abstract; Figures 1-4, 10-13; C6 L24 to C7 L37; C9 L7-L35; C10 L64 to C11 L32; C11 L51 to C12 L10; C24 L5-L52]; and

a match module configured to identify a matched order from at least one of the plurality of offers being matched to another communication from one of the plurality of traders [Figures 13-14 #630; C15 L53 to C16 L2; C16 L65 to C17 L32];

wherein in response to a second request to change the first strategy, the multi-auction system is configured to associate a second strategy in the plurality of strategies to the lot object [C17 L57-L64].

Rackson does not explicitly disclose a lot handler module. However, Alaia discloses lot handler module (module of code for each lot) [Abstract; Figures 1, 4, 7B, 15A; C1 L10-L15; C11 L10-L15; C12 L32-L47; C14 L60-66] to take input parameters

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then schedule the bid closing time. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Rackson and add lot handler module, as discloses by Alaia, to create an auction model with module code to handle incoming bids and schedule for auctioning.

Re. Claims 50-54, Rackson discloses wherein the multi-auction system is configured to associate the second strategy to the lot object after receiving at least a first offer in the plurality of offers for the item, wherein the first strategy is executable to determine a first transactional value for a first item based on a first plurality of offers, and wherein the second strategy is executable to determine a second transactional value based on the first plurality of offers, wherein the first strategy is executable to designate a first origination for each offer in the plurality of offers, and wherein the second strategy is executable to designate a second origination for each offer in the plurality of offers, the first origination being different than the second origination, and wherein the first strategy and the second strategy each determine whether at least a seller in the plurality of traders is to make each of the plurality of offers, and whether at least a bidder in the set of traders is to make each of the plurality of offers [C10 L64 to C11 L50; C16 L44 to C17 L29, C17 L57-L64].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

US 5,978,776 to Seretti et al, Nov. 2, 1999 "Vehicular data exchange system and method therefor" discloses a vehicular data exchange system. More particularly, the present invention is directed to vehicular data exchange system so that users of the vehicular data exchange system can, within a brief time period, simply and easily exchange vehicle data with one another for the purposes of buying and selling motor vehicles and/or obtaining appraisal data for motor vehicles.

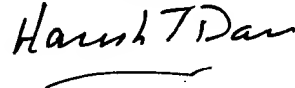
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
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A handwritten signature in black ink that reads "Harish T Dass". The signature is written in a cursive style with a horizontal line underneath the name.

3/2/2005